

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

AMINU SESAY, #A90-279-606,  
Petitioner,

v.

GEORGE R. HARDINGER,  
Respondent.

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CIVIL ACTION NO. DKC-06-54

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**MEMORANDUM**

On January 9, 2006, this Petition for Writ of Habeas Corpus was received for filing. Petitioner is subject to a final order of removal and does not contest his deportation. Instead, Petitioner seeks to compel the Department of Homeland Security to release him from its custody pending his removal.. Paper No. 1. Respondent has filed a Response, indicating that the Petition should be dismissed because Petitioner's detention was in accordance with applicable statutory and Supreme Court precedent. Paper No. 5.

Respondent's exhibits demonstrated that Petitioner had been held in post-removal order Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") detention since May 31, 2005.<sup>1</sup> Respondent further stated that ICE had been in contact with the Consular Officer at the Embassy of Sierra Leone located in Washington D.C. and "[i]t appears that the only impediment to the Embassy's issuance of a travel document for Petitioner is that the Embassy has not yet received blank travel document forms from the central government in Sierra Leone." Paper No. 5, Ex. C. Respondent further stated that they had successfully repatriated "many

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<sup>1</sup>Petitioner was ordered removed to Sierra Leone on April 3, 1998. Paper No. 5, Ex. B. He was taken into custody on Mach 20, 2000, but released from custody under an order of supervision on April 3, 2001. *Id.*, Ex. C. After failing to comply with the terms of his order of supervision he was taken back into custody on May 31, 2005. *Id.*, Ex. C.

aliens” to Sierra Leone. *Id.*, Ex. C.

In his Reply, Petitioner replied to the Answer and provided a copy of correspondence from the Embassy of Sierra Leone dated February 13, 2006, addressed to Petitioner’s father. Paper Nos. 6 and 10. The letter states that authorization to repatriate Petitioner had not been granted by the Government of Sierra Leone due to: (1) the state of civil arrest in Sierra Leone; (2) Petitioner’s criminal record; (3) Petitioner’s lack of close relatives living in Sierra Leone; and (4) Petitioner’s having only lived in Sierra Leone as a young child. Paper No. 6, Attachment. Given the conflicting evidence as to Respondent’s ability to remove Petitioner in the reasonably foreseeable future, Respondent was directed to supplement its response to the Petition.

In a Supplemental Response (Paper No. 12) Respondent indicates that on June 16, 2006, Petitioner was released from ICE custody under an Order of Supervision. *Id.*, Ex. A. In light of this information, Petitioner’s habeas challenge to his post-order detention under *Zadvydas v. Davis*, 505 U.S. 277 (2001), has been rendered moot.

A separate Order shall be entered dismissing this Petition without oral hearing.

Date: 7/27/06

/s/  
DEBORAH K. CHASANOW  
United States District Judge

